

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA, §
§
Plaintiff/Respondent, §
§
V. § CR. No. C-10-265
§ (C.A. No. C-11-48)
MARISSA PORRAS, §
§
Defendant/Movant. §

ORDER

On February 18, 2010, the Clerk received Movant Marissa Porras' (Porras) motion to proceed *in forma pauperis* in her motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255. D.E. 40. Porras' motion is unnecessary. For purposes of filing fees, a motion filed under 28 U.S.C. § 2255 is essentially a continuation of the defendant's criminal case. See United States v. Cole, 101 F.3d 1076, 1077 (5th Cir. 1996) (characterizing § 2255 motions and indicating that it was not a civil action for purposes of the Prison Litigation Reform Act). In this district, no filing fee is required to file such a motion. Accordingly, there is no need for *in forma pauperis* status. The motion (D.E. 40) is DENIED.

It is so ORDERED this 3 day of March, 2011.


HAYDEN HEAD
SENIOR U.S. DISTRICT JUDGE